

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

SARA A. ENGELHART,)	
)	
Plaintiff,)	8:05CV181
)	
v.)	
)	
JO ANNE B. BARNHART,)	ORDER
Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	
)	

This matter is before the Court on defendant's motion to strike plaintiff's return of summons (Filing No. 8) and plaintiff's objection to said motion (Filing No. 14).

Plaintiff's return of summons (Filing No. 6) was filed April 25, 2005, stating that service was made by certified mail upon United States Attorney Michael Heavican. It appears that service was mailed on April 25, 2005, but the certified letter receipt is dated April 27, 2005. The United States Attorney acknowledges that service was effected upon actual receipt of the summons on April 27, 2005. The interests of justice are not served by either dismissing this complaint or requiring the plaintiff to re-effect service upon the United States Attorney and defendant's motion to strike will be denied.

Also before the Court is defendant's motion to strike Filing No. 12 (Filing No. 15), which is a duplicate filing of

defendant's answer (Filing No. 10). That motion will be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to strike plaintiff's return of summons is denied.
- 2) Plaintiff's objection to said motion is denied as moot.
- 3) Defendant's motion to strike Filing No. 12 is granted; the Clerk shall strike Filing No. 12 as it is a duplicate of Filing No. 10.

DATED this 20th day of June, 2005.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court